

Savage.	Turner.
Swann.	Wayland.
Nays—11.	
Davidson of	Paulus.
DeWitt.	Potter.
Grinnan.	Sebastian.
Hanger.	Turney.
James.	Wheeler.
Johnson.	Wilson.
Present—Not voting.	
Patterson.	
Absent.	
Dibrell.	Staples.
McGee.	Yett.
Stafford.	
Absent—Excused.	
Harris of Hunt.	

THIRTEENTH DAY.

Senate Chamber,
Austin, Tex., Monday, Aug. 26, 1901.

The Senate met pursuant to adjournment.

President Pro Tem. Neal in the chair.

The roll was called, a quorum being present, the following Senators answering to their names:

Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Odell.
Galveston.	Patterson.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
Harris of Bexar.	Turner.
James.	Wayland.
Johnson.	Wheeler.
Lloyd.	Wilson.

Absent.

Beaty.	Stafford.
Harris of Hunt.	Swann.
Lipscomb.	Turney.
McGee.	Yett.
Paulus.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday (twelfth day), the same, on motion of Senator Miller, was dispensed with.

FIRST EXECUTIVE MESSAGE.

The following first executive message was here delivered to and laid before the Senate:

EXECUTIVE OFFICE,
STATE OF TEXAS,
AUSTIN.

To the Legislature:

It is a matter of essential importance

that there should be immediate legislation, so as to insure and expedite the recovery of the moneys belonging to the State and in the custody of the First National Bank of Austin, Texas, at the time it was placed in the hands of a receiver by the Comptroller of the Currency. Unless such legislation be had, it is quite certain that the liquidation of the affairs of the bank will be accomplished only through the long and expensive process of a receivership. At present no authority exists for any official of the State to do otherwise than to receive the moneys that may be due.

From the best information obtainable, it is believed that there is about fifty per cent. of the private deposits and of the moneys due the State in cash and that there are assets sufficient, if properly handled, to insure the balance that may be due from the bank, provided that its affairs be carefully administered. It is also believed that, in addition to the assets of the bank, resources of another character will be obtainable, in order to enable the bank to settle in full all demands that may be against it.

I, therefore, herewith transmit to the Legislature, for its immediate consideration, copies of a resolution, which, in my judgment, should receive immediate attention and should be enacted into law at the earliest practicable moment.

JOSEPH D. SAYERS,
Governor.

Accompanying the executive message was the following resolution, which was, on motion of Senator Davidson of DeWitt, ordered printed in the Record without being read:

RESOLUTION

Constituting the Governor, Comptroller and Attorney General, a board, and authorizing said board to make and enter into any agreement which in its judgment may be necessary in order to secure the return to the proper officials, of the moneys now in the custody of the First National Bank of Austin, Texas, and belonging to the State.

Whereas, The First National Bank of Austin, Texas, has been placed in the hands of a receiver by the Comptroller of the Currency; and,

Whereas, There was in custody of said bank at the time such action was taken certain large sums of money, the property of the State of Texas; and,

Whereas, Negotiations are pending for either the resumption of business by, or the voluntary liquidation of, the said bank; and,

Whereas, If the affairs of said bank

are wound up by a receiver considerable time must elapse before the moneys belonging to the State can be returned to the proper officials; now, therefore, be it

Resolved by the Legislature of the State of Texas:

Section 1. That the Governor, Comptroller and Attorney General be and they are hereby constituted a board, and that such board is authorized to make and enter into such agreement as in their judgment may be necessary to secure the return to the proper officials of all moneys in the custody of the First National Bank of Austin, Texas.

Sec. 2. Nothing in this resolution shall be construed as a waiver of any rights, liens, claims or demands which the State now has, or as affecting the liability of the Treasurer or the Secretary of State, or the sureties upon the official bonds of such officers; provided, that said board is authorized to accept a bond or bonds, with good and sufficient sureties, for the full and faithful compliance with the provisions of any agreement that may be made in pursuance of this resolution, and said bond or bonds shall be made payable to the State of Texas and when approved by said board shall be filed in the office of the Comptroller of Public Accounts to be recovered upon as other official bonds.

Sec. 3. The fact that no one is clothed with authority to make any agreement of the character provided for in this resolution, creates an emergency and an imperative public necessity that the constitutional rule requiring resolutions to be read on three several days be suspended, and the same is so suspended, and that this resolution take effect and be in force from and after its passage, and it is so resolved.

On motion of Senator Potter, the foregoing resolution was referred to Judiciary Committee No. 1.

SECOND EXECUTIVE MESSAGE.

The following second executive message was here delivered to and laid before the Senate:

EXECUTIVE OFFICE,
STATE OF TEXAS,
AUSTIN.

To the Legislature:

The following additional subjects are hereby submitted for the consideration of the Legislature:

1. To amend Section 3, Chapter 75, General Laws, Twenty-seventh Legislature.

2. To amend Articles 402 and 406, Chapter 6, Title XI, Penal Code.

3. To validate the incorporation of the town of Athens, Henderson county.

4. To validate the incorporation of Moody, McLennan county.

5. To authorize the Superintendent of Public Buildings and Grounds to lease that part of the Old Court House Block, formerly occupied by the Austin Dam and Suburban Railroad Company.

6. To increase the amount of the bond of the State Treasurer.

7. To amend Article 386c, Title XVIII, Chapter 1, Revised Statutes.

JOSEPH D. SAYERS,
Governor.

THIRD EXECUTIVE MESSAGE.

The following third executive message was here delivered to and laid before the Senate:

STATE OF TEXAS,
EXECUTIVE OFFICE,
AUSTIN.

To the Legislature:

I herewith transmit for the consideration of the Legislature and for such action as it may deem proper to take thereon, a copy of a communication addressed me by several citizens of Austin. The property to which it refers yields no revenue to the State and is entirely suitable for the purpose indicated in the communication.

JOSEPH D. SAYERS,
Governor.

(Copy.)

Austin, Texas, August 22, 1901.

*To His Excellency, Joseph D. Sayers,
Governor of Texas, Austin, Texas.*

SIR: The undersigned are a committee representing the Masonic bodies of Austin, Texas, and in the matter of this address are a committee representing the citizenship of this community at large.

We respectfully represent to your Excellency that, for reasons deemed sufficient to themselves, the Grand Lodge of the State of Texas proposes to remove the temple of the Grand Lodge of the Masons of Texas from Houston to some more central point in the State, and has invited proposals from communities desiring to obtain the location of said temple.

Austin desires to become the home of the Masonic Grand Lodge of Texas and wishes to purchase of the State of Texas and to offer to the Grand Lodge of Masons the eastern half of the late Temporary Capitol Block, as a site for its temple.

Should the Masonic temple be located upon the site proposed, it is believed an imposing edifice will be erected upon this site—a credit and ornament to this city and to the entire State of Texas.

Premises considered, the undersigned committee offers to your Excellency, and through you to the State of Texas, the sum of twenty thousand dollars for the east half of the north half of Block No. 124 in the city of Austin, Texas. Said purchase to be consummated, and said price to be paid only in the event Austin be selected for the site of the temple of the Masonic Grand Lodge of Texas.

We respectfully memorialize your Excellency to communicate the substance of this address to the Legislature of Texas, now in session, by special message.

Respectfully,

Signed—A. P. Wooldridge, General Chairman; H. P. Hilliard, General Secretary; A. J. Eilers, Ira H. Evans, H. L. Carleton, E. C. Bartholomew, D. W. Doom, Walter Tips.

On motion of Senator Potter, the foregoing accompanying communication was referred to the Committee on State Affairs.

PETITIONS AND MEMORIALS.

President Pro Tem. Neal laid the following memorial before the Senate:

Huntsville, Texas, August 24, 1901.

To the Hons. Geo. D. Neal, W. D. Adair, A. W. Morris; Jno. M. Ackerman and F. B. Looney, Austin, Texas.

DEAR SIRS: As members of the bar of Walker county, we urge upon you, as the Senator and Representatives of the Twelfth Judicial District, to present our earnest protest to the Legislature against the proposition to dismember the Twelfth Judicial District of Texas.

1st. The counties composing this district, viz.: Grimes, Madison, Leon, Trinity and Walker, have been in same judicial district for more than twenty years, and the relations of the bar to the clientage of the district has been so long established that no change should be made without great necessity therefor.

2nd. The business of the several courts of the district require arduous service from the judge and district attorney, and even should it be deemed wise to reduce the number of judicial districts in the State, no addition could be made to this district without giving more business to the trial court than could be properly dispatched.

3rd. If it be deemed necessary to make changes in the judicial districts with the view, not of reducing the number, but of equalizing the work, in such event no change should be made in the Twelfth District, as the work of the district is largely more than the average of the districts of the State.

4th. Increasing litigation in this district has recently required an extension of the term of court in two of the counties of the district, and prospective increase of business will certainly tax the time and energy of the court for its proper disposition.

Respectfully,

[Signed—W. A. Leigh, attorney; David Randolph, attorney; A. T. McKinney, attorney; This. H. Ball, attorney; S. M. Randolph, attorney; J. D. Cunningham, city judge; Jno. C. Williams, attorney, county judge of Walker county; A. T. Smither, county attorney; Jas. A. Elkins, attorney; T. E. Humphrey, attorney; W. L. Dean, attorney; B. J. Cunningham, city attorney, Huntsville.]

COMMITTEE REPORTS.

The following committee report was made to the Senate:

Committee Room,

Austin, Texas, August 26, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, being a bill to be entitled "An Act to give effect to Section 7, Article 11, of the Constitution authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct sea-walls and break-waters, to issue bonds therefor and levy a tax for the payment thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

STAFFORD, Chairman.

BILLS AND RESOLUTIONS.

By Senator Miller:

Senate bill No. 15, A bill to be entitled "An Act to amend Article 386c, Chapter 1, Title XVIII, of the Revised Civil Statutes of Texas of 1895, relating to cities and towns."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Turner:

Senate bill No. 16, A bill to be entitled "An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican governments; to adjust and settle the rights of the State and the owners or claimants respectively of such lands, and if found valid, to confirm as against the State, the right and title of such claimants or owners, and to

provide for the patenting of the same when title thereto has been confirmed by suit or otherwise, and for the recovery thereof by the State when the claimant has no title thereto."

Read first time, and referred to Judiciary Committee No. 1.

Senator Savage offered the following resolution:

Whereas, The present special session of the Legislature is drawing to a close; and,

Whereas, It is necessary that certain officers be retained after adjournment to complete the legislative records; therefore, be it

Resolved, That a committee of three Senators be appointed by the President Pro Tempore to recommend such officers and employes as should be retained after adjournment, to specify their duties, the number of day's pay, etc., and report its action to the Senate as early as practicable.

The resolution was read second time, and adopted.

The President Pro Tempore here declared the morning call concluded.

POST SESSION CLERICAL WORK— COMMITTEE NAMED.

The President Pro Tempore announced the following committee under the foregoing adopted resolution:

Senators Savage, Patterson and Turner.

SENATE BILL NO. 13—ON SECOND AND THIRD READINGS.

The President Pro Tempore laid before the Senate the regular order of business

Senate bill No. 3, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1901, and ending August 31, 1903, and for other purposes."

Pending second reading, the regular order was, on motion of Senator Davidson of Galveston, suspended, and the Senate took up, out of its order,

Senate bill No. 13, A bill to be entitled "An Act to give effect to Section VII, Article XI, of the Constitution, authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct sea walls and break waters to issue bonds therefor, and levy a tax for the payment thereof."

(Reported this day from committee.)

On motion of Senator Davidson of Galveston, the Senate rule requiring committee reports to lay over for one day was also suspended for the purpose of considering Senate bill No. 13, on its second reading.

The President Pro Tempore laid the bill before the Senate on its second reading.

The bill was read second time, and ordered engrossed.

Senator Davidson of Galveston then moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The roll call upon the foregoing motion developed no quorum, the following Senators answering to the names:

Yeas—17.

Davidson of	Neal.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Dibrell.	Staples.
Grinnan.	Turner.
Hanger.	Wayland.
James.	Wheeler.
Lloyd.	Wilson.
Miller.	

Absent.

Beaty.	Odell.
Goss.	Patterson.
Harris of Bexar.	Paulus.
Harris of Hunt.	Stafford.
Johnson.	Swann.
Lipscomb.	Turney.
McGee.	Yett.

Senator Davidson of DeWitt moved a call of the Senate for the purpose of securing a quorum, which call being seconded, the roll was called, and the following Senators answered to their names:

Present—17.

Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Potter.
Galveston.	Sebastian.
Goss.	Staples.
Grinnan.	Turner.
Hanger.	Wayland.
James.	Wheeler.
Lloyd.	Wilson.
Miller.	

Absent.

Beaty.	Patterson.
Dibrell.	Paulus.
Harris of Bexar.	Savage.
Harris of Hunt.	Stafford.
Johnson.	Swann.
Lipscomb.	Turney.
McGee.	Yett.

Senator Patterson was announced.

Senator Johnson was announced.

Senator Dibrell was announced.

Senator Savage was announced, and

A quorum was announced present.

The constitutional rule on Senate bill No. 13, under the motion of Senator Da-

vidson of Galveston (see above), was then suspended by the following vote:

Yeas—21.

Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Odell.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Hanger.	Turner.
Harris of Bexar.	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lloyd.	

Nays—1.

Patterson.

Absent.

Beaty.	Stafford.
Harris of Hunt.	Swann.
Lipscomb.	Turney.
McGee.	Yett.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Davidson of	Miller.
DeWitt.	Neal.
Davidson of	Odell.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Hanger.	Turner.
Harris of Bexar,	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lloyd.	

Nays—1.

Patterson.

Absent.

Beaty.	Stafford.
Harris of Hunt.	Swann.
Lipscomb.	Turney.
McGee.	Yett.
Paulus.	

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Sebastian, Senator Turney was excused from attendance upon the Senate today on account of important business.

On motion of Senator Lloyd, Senator Beaty was excused from attendance upon the Senate today on account of important business.

SENATE BILL NO. 3—GENERAL APPROPRIATION—ON SECOND READING.

The President Pro Tempore here laid before the Senate the regular order of business

Senate bill No. 3, the general appropriation bill (see caption above).

The bill was read second time with committee substitute.

The committee substitute was adopted, and

Senator Dibrell offered the following amendment:

"First. In line 18, page 2, strike out in second column '\$266.64.'"

"Second. Between lines 4 and 5, page 5, insert the following: 'Salary of chief tax clerk, \$1,350 in both columns.'"

"Third. In line 32, page 5, strike out '\$2,000' in second column.

"Fourth. In line 8, page 6, strike out '\$1,500' in second column.

"Fifth. In line 10, page 15, strike out '\$250' in both columns and insert in lieu '\$25,000.'"

"Sixth. Strike out lines 28 and 29, page 37."

The amendment was read, and adopted. (Senator Miller in the chair.)

Senator Wheeler offered the following amendment:

"Amend line 32, page 2, by striking out '\$250' in second column."

The amendment was read, and adopted. Senator Goss offered the following amendment:

"Amend by inserting after the word 'lands,' in line 9, page 4, the following: 'Or to their assignees.'"

The amendment was read, and

Senator Savage offered the following amendment to the amendment:

"Amend amendment by adding the following: 'Provided, that in no case shall the money be refunded to more than one party; and provided further, that it shall be shown that lessee has received compensation from assignee for amount of money refunded.'"

The amendment to the amendment was read, and adopted, and

The amendment as amended was read, and adopted.

Senator Wilson offered the following amendment:

"Amend page 4, line 29, by inserting '\$1,400' in lieu of '\$1,300.'"

The amendment was read, and lost by the following vote:

Yeas—11.

Dibrell.	Johnson.
Hanger.	Neal.
Harris of Bexar.	Staples.
James.	Turner.

Wayland. Yett.
Wilson.

Nays—12.

Davidson of Miller.
DeWitt. Odell.
Davidson of Patterson.
Galveston. Potter.
Goss. Savage.
Grinnan. Sebastian.
Lloyd. Wheeler.

Absent.

Harris of Hunt. Paulus.
Lipscomb. Stafford.
McGee. Swann.

Absent—Excused.

Beaty. Turney.

Senator Dibrell offered the following amendment:

"Amend by striking out '\$1,100' in second column line 6, page 6."

The amendment was read, and adopted.

Senator Dibrell offered the following amendment:

"Amend the bill line 10, page 7, by inserting the word 'assistant' between the words 'of' and 'award.'"

The amendment was read, and adopted.

(President Pro Tem. Neal in the chair.)

Senator Goss offered the following amendment:

"For the purpose of surveying and sectionizing any unsurveyed land, the sum of \$10,000."

The amendment was read, and, upon request of Senator Goss, was laid on the table subject to call.

Senator Hanger offered the following amendment:

"Amend by adding after the word 'etc.' line 19, page 10, the following: 'Provided, only two experts shall be employed at the same time'; and amend further by striking out the sum of '\$12,000' in each column and inserting in lieu thereof the sum '\$8,000.'"

The amendment was read, and

Senator Johnson offered the following substitute for the amendment:

"Strike out in line 29, page 10, '\$12,000' in each column and insert in lieu thereof the following: 'That the Railroad Commission shall be authorized to employ two experts whose salary shall be \$2,500 each, and that the sum of \$2,000 shall be appropriated for maps, pamphlets, rulings, etc.'"

BILLS AND RESOLUTIONS.

Pending action on the foregoing amendment and substitute, and by unanimous consent, the following bill was introduced:

By Senator Yett:

Senate bill No. 17, A bill to be entitled "An Act to amend Section thirty-three (33), thirty-four (34), thirty-six (36) and thirty-seven (37) of an act entitled 'An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded debts, and to further define its powers and duties relative to its bonded indebtedness."

Read first time, and referred to Committee on Towns and City Corporations.

ADJOURNMENT.

Senator Goss moved that the Senate recess until 3 o'clock p. m., and

Senator Lloyd moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

Action being on the longest time first, the motion of Senator Lloyd prevailed, and the Senate accordingly, at 12:35 o'clock p. m., adjourned, with the amendment and substitute pending, by the following vote:

Yeas—12.

Davidson of Miller.
DeWitt. Odell.
Davidson of Patterson.
Galveston. Sebastian.
Hanger. Staples.
Johnson. Turner.
Lloyd. Yett.

Nays—10.

Dibrell. Neal.
Goss. Potter.
Grinnan. Savage.
Harris of Bexar. Wayland.
James. Wheeler.

Absent.

Harris of Hunt. Stafford.
Lipscomb. Swann.
McGee. Wilson.
Paulus.

Absent—Excused.

Beaty. Turney.

FOURTEENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Aug. 27, 1901.

The Senate met pursuant to adjournment.

President Pro Tem. Neal in the chair.

The roll was called, a quorum being present, the following Senators answering to their names:

Beaty. Davidson of
Davidson of Galveston.
DeWitt. Goss.